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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/813,647	03/07/97	HENDEL	A 082225.P2170

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EXAMINER

VU, T

ART UNIT	PAPER NUMBER
2756	V6

DATE MAILED:

08/03/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No. <b>08/813,647</b>	Applicant(s) <b>Hendel et al</b>
	Examiner <b>Thong Vu</b>	Group Art Unit <b>2756</b>

- Responsive to communication(s) filed on May 15, 2000
- This action is FINAL.
- Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

- Claim(s) 1-41 is/are pending in the application.
- Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- Claim(s) \_\_\_\_\_ is/are allowed.
- Claim(s) 1-41 is/are rejected.
- Claim(s) \_\_\_\_\_ is/are objected to.
- Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

- Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- All  Some\*  None of the CERTIFIED copies of the priority documents have been
- received.
  - received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
  - received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \*Certified copies not received: \_\_\_\_\_
- Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

- Notice of References Cited, PTO-892
- Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- Interview Summary, PTO-413
- Notice of Draftsperson's Patent Drawing Review, PTO-948
- Notice of Informal Patent Application, PTO-152

-- SEE OFFICE ACTION ON THE FOLLOWING PAGES --

Art Unit: 2756

1. This office action is in response to Appeal Brief filed May 15, 2000, Applicant arguments were formed to be persuasive. The previous final rejection has been vacated. Claims 1-41 are pending. The rejections cited are as stated below .

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-41 are rejected under 35 U.S.C. § 103 as being unpatentable over Barrett et al [Barrett 5,546,549] in view of Bell et al [Bell 6,049,528].

3. As per claim 1, Barrett discloses the connection the first device and second device to a plurality of interfaces, the first and second devices are in the local area network [Barrett Fig 1, col 3 line 65-col 4 line 25]; high speed interface such as ATM [Barrett col 3 line 60]; an associated identifier that identifies the connection between said first and second devices [Barrett Fig 4, col 4 line 26-50, col 12 line 65-col 13 line 3]. However Barrett did not detail emulating a single interface with the plurality of interfaces by assigning to said plurality of interfaces an associated identifier that identifies the connection between said first and second devices. Bell discloses a host has multiple network interface adapters to associate each desired subset of applications with a virtual IP address and then configure the host to advertise a route to each such VIPA over a different real physical network interface adapter [Bell col 2 line 50-col 3 line 15].

Therefore, it would have been obvious to one having ordinary skill in the art at the time

Art Unit: 2756

the invention was made to incorporate the single interface with a virtual IP address which could be assigned to multiple network interface adapters as taught by Bell into the Barrett's system in order to provide the efficiency of the virtual single high speed assigning to the plurality of interfaces between the first and second device on the network .

4. As per claim 2, Barrett-Bell taught selecting one of the plurality of interfaces to send a packet of data [Bell col 3 line 35-60]

5. As per claim 3, Barrett-Bell taught the selecting one of the plurality of interfaces to send the packet of data comprises utilizing state information in the first device [Bell col 4 line 1-24]

6. As per claim 4, Barrett-Bell taught selecting one of the plurality of interfaces to send the packet of data comprises utilizing address information in the packet of data [Bell col 3 line 62-col 4 line 24].

7. As per claims 5,13 Barrett-Bell disclose transmitting a first packet of data on only one of the plurality of interfaces as the inherent feature of select the first interface [Bell col 3 line 62-col 4 line 24].

8. As per claim 6, Barrett-Bell disclose assigning a first identifier to a first interface and a second interface at the first device [Bell col 3 line 35-60]; and identifying a path between the first device to the second device with the first identifier [Bell col 3 line 62-col 4 line 24].

9. As per claims 7-9 Barrett-Bell disclose assigning the first identifier to the first interface and the second interface comprises assigning a media access control (MAC) address as inherent feature of network adapter ;Internet Protocol (IP) address; a group identifier [Bell col 3 line 35-col 4 line 24].

Art Unit: 2756

As per claims 10,21 Barrett-Bell taught the first device comprises a load balancing unit that allocates data to be transmitted on the first interface and the second interface such that data traffic on the first interface and the second interface is approximately the same as an inherent feature of selecting the certain routes to be broadcast [Bell col 3 line 62-col 4 line 24].

10. As per claim 11, Barrett-Bell taught allocating data to be transmitted on the first interface and the second interface, transmitting the data on the first interface when the output queue of the second interface is fuller than the output queue of the first interface and when previous data sent on the first interface is no longer on the first interface; and transmitting the data on the second interface when the output queue of the first interface is fuller than the output queue of the second interface and when previous data sent on the second interface is not longer on the second interface as the inherent feature of virtual IP address [Bell col 4 line 25-45].

11. As per claim 12, Barrett-Bell taught selecting one of the first interface and the second interface to send a packet of data based on address information in the packet of data [Bell col 3 line 62-col 4 line 24].

12. As per claims 14,19,24,32 contain the similar limitations set forth in method claim 1. Therefore, claims 14,19,24,32 are rejected for the same rationale set forth claim 1.

13. As per claims 15-18 contain the similar limitations set forth in method claims 2-5 respectively . Therefore, claims 15-18 are rejected for the same rationale set forth claim 2-5.

14. As per claims 20,22 and 23 , Bell taught the first interface and the second interface are homogeneous; the first device is an end-node; the second device is a switch as a design choice of LAN [Barrett col 5 line 33-50].

Art Unit: 2756

15. As per claims 25-31 contain the similar limitations set forth in method claims 7-10,22,23

Therefore, claims 25-31 are rejected for the same rationale set forth claims 7-10,22,23

16. As per claims 35-37 contain the similar limitations set forth in method claims 20,22,23 .

Therefore, claims 35-37 are rejected for the same rationale set forth claims 20,22,23

17. As per claim 34, Barrett-Bell taught the trunking pseudo driver or subset of applications comprises an identification unit that assigns a first identifier to the first interface and the second interface that identifies a path between the first and the second device [Bell col 2 line 50-65].

18. Claim 38-41 content the similar limitations set forth in method claim 1. Therefore, claims 38-41 are rejected for the same rationale set forth claim 1.

Art Unit: 2756

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (703)-305-4643. The examiner can normally be reached on Monday-Thursday from 6:30AM- 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Mark Rinehart*, can be reached at (703) 305-4815.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to :

Commissioner of Patent and Trademarks

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or faxed to :

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 305-7201 (for informal or draft communications, please label  
“PROPOSAL” or “DRAFT”)

Hand-delivered responses should be brought to Crystal Park II,2121 Crystal Drive,  
Arlington. VA., Sixth Floor (Receptionist).

*Thong Vu*

*Jul 26, 2000*



LE HIEN LUU  
PRIMARY EXAMINER